




# COMMONWEALTH of VIRGINIA

DEBRA FERGUSON, Ph.D.  
COMMISSIONER

DEPARTMENT OF  
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES  
Post Office Box 1797  
Richmond, Virginia 23218-1797

Telephone (804) 786-3921  
Fax (804) 371-6638  
[www.dbhds.virginia.gov](http://www.dbhds.virginia.gov)

**TO:** Community Services Board and Local Government Department Executive Directors  
and the Behavioral Health Authority Chief Executive Officer

**FROM:** Paul R. Gilding   
Community Contracting Director

**SUBJECT:** FY 2015 and FY 2016 Performance Contract Revision No. 1

**DATE:** August 19, 2014

My May 9 memo distributing the initial FY 2015 and FY 2016 Community Services Performance Contract noted that, given the complexity of bills affecting CSBs enacted by the 2014 General Assembly and the deliberations of the Governor's Mental Health Task Force and the Joint Subcommittee to Study Mental Health Services in the Commonwealth in the 21st Century (SJ 47), contract amendments may be necessary after the start of the contract term. That prediction proved to be accurate. The FY 2015 and FY 2016 Community Services Performance Contract Revision No. 1 and the CSB Administrative Requirements Revision No. 1 are available for your information and use on the Department's web site at [www.dbhds.virginia.gov/OCC-default.htm](http://www.dbhds.virginia.gov/OCC-default.htm).

The Department developed this major revision of the performance contract in collaboration with the Performance Contract Committee, established by the Department and the VACSB, in response to concerns about accountability and the ongoing interest in our services system by the Governor's Mental Health Task Force and the SJ 47 Joint Subcommittee. The Office of the Attorney General has reviewed and approved Revision no. 1 as to form. Changes in the revision from the initial FY 2015 and FY 2016 Performance Contract are summarized below.

## Performance Contract Revision No. 1 Changes

1. Language in the 2<sup>nd</sup> paragraph of section 4.a on page 3 about notifying the Department when a CSB begins providing a new category or subcategory or stops providing an existing category or subcategory of core services if the service is funded with more than 50 percent of state or federal funds or both is changed to 30 percent.
2. Section 4.a on page 3 in the 3<sup>rd</sup> paragraph: Language is added about accepting TDOs in residential crisis stabilization programs.
3. Section 4.b on page 3: Added language requires administrative and management costs to be reasonable and subject to review by the Department.

## **FY 2015 and FY 2016 Community Services Performance Contract Revision No. 1**

August 19, 2014

Page 2

4. Section 4.c on page 3: Added language requires CSBs to comply with regional emergency services protocols.
5. Section 4.c.8.) on page 5: Added language requires updating the bed registry in real time.
6. Section 4.c.9.) on page 5: Added language requires preadmission screening evaluators to meet qualifications established by the Department and receive required training provided by the Department.
7. Section 4.d.8.) on page 7: Added language requires CSB emergency services staff to receive consistent training from the Department on REACH (a DOJ requirement).
8. New section 4.f on page 9 describes emergency services availability requirements.
9. New section 4.g on page 9 lists the minimum requirements for emergency evaluations.
10. Section 5 on page 10: Added language requires CSBs to maximize billing and collecting Medicaid payments and other fees in all covered services.
11. Section 5.a on page 10: Added language allows the Department to reduce restricted or earmarked state or federal funds during the contract term if the CSB significantly reduces or stops providing services supported by those funds. Language excludes these reductions from the final stage of the dispute resolution process in sections 9.c or 9.f of the contract.
12. Section 5.b on page 10: Revised language states continued disbursement of restricted or earmarked state or federal funds may be contingent on documentation in CCS and CARS reports that the CSB is providing the services supported by those funds.
13. Section 6.a on page 11: Added language requires the CSB to ensure appropriate management of each TDO admission to a state hospital to identify the cause of the admission and the actions the CSB may take in the future to identify alternative facilities.
14. Section 6.b.1.) on page 11: Added language requires reports on the CSB performance measures to be presented at least quarterly during scheduled board meetings.
15. Section 6.b.2.) on page 11 is rewritten and a requirement is added to review and update the quality improvement plan at least every four years.
15. Section 6.b.3.) on page 11: Revised language requires the CSB to implement procedures to insure the executive director is informed of any deaths, serious injuries, or allegations of abuse or neglect when they are reported to the Department.
16. New section 6.b.4.) on page 11 requires the CSB to ensure its clinical emergency services, other than preadmission screening evaluations, are provided only by licensed mental health professionals (psychologists, social workers, or professional counselors), certified preadmission screening evaluators, or residents or supervisees registered with the Board of Health Professions. This requirement does not preclude peers from participating as part of a team delivering emergency services. Preadmission screening evaluations can only be provided by CSB staff that meet requirements in section 4.c.9.) of the contract.
17. New section 6.b.7.) on page 13 addresses conflict-free case management services.
18. Section 6.b.8.) on page 13: Added language requires the CSB to provide ready access to records or other information for the Department to conduct reviews or investigations.

## **FY 2015 and FY 2016 Community Services Performance Contract Revision No. 1**

August 19, 2014

Page 3

19. Section 6.b.9.) on page 13: Added language requires the CSB to post its dispute resolution procedures on its web site.
20. New section 6.b.10.) on page 13 requires rapid access to treatment for opioid drug abuse.
21. Section 6.c.2.) a.) on page 15: Revised language requires quarterly CARS reporting and reporting state and federal block grant funds expended by core service with the 4<sup>th</sup> quarter CARS report.
22. New section 6.i on page 17 requires CSB participation in reviews conducted by the Department.
23. Section 7.b.2.) on page 18: Added language requires the Department to post CSB TDO admissions and bed day utilization on its web site.
24. Section 7.c.1.) on page 18 (and several other places): Language is revised to move most of the text in the initial Exhibit B on continuous quality improvement (CQI) from the contract to a new Appendix E in the CSB Administrative Requirements.
25. New sections 7.c.6.) and 7.) on page 19 move Department requirements about human rights and licensing from the former Exhibit K to the contract body.
26. New section 7.j on page 22 requires the Department to conduct the CSB reviews in section 6.i.
27. Section 9.b on page 23: Added language includes reducing allocations and payments as compliance remedies, consistent with the change in section 5.a on page 10.
28. Section 9.f.11.) on page 25: Added language restricts circuit court review to termination or suspension of the contract, consistent with the change in section 5.a on page 10.
29. Former section 9.i in the initial contract about fraud is moved to the new Exhibit J.
30. Section 10 on page 26: Language in the initial contract is replaced with language to develop an incentive mechanism for excellent performance and a state hospital TDO bed utilization mechanism to be modeled in FY 2015 and that may have fiscal incentives or disincentives applied to outliers based on those baselines in FY 2016.
31. Exhibit B: Most of the CQI text is moved to Appendix E in the revised CSB Administrative Requirements.
32. Exhibit B on page 42: The measure in the initial contract on employment is split into two measures with no change in what is measured and reported.
33. Exhibit B on page 42: Additional measures are included in section III that are in the Department's data dashboard. These measures do not require additional CSB data collection since the sources are current CCS 3 data or AVATAR state facility data
34. Exhibit B on page 43: Added language in new section IV establishes an 80 percent utilization rate for residential crisis stabilization programs.
35. Exhibit E on pages 47-52: Language incorporates Amendment No.1, distributed on July 1, and is revised to reflect the change to quarterly CARS reporting.
36. Exhibit I on pages 57 and 58: Revised language reflects quarterly CARS reporting.
37. Former Exhibit J on page 66 is deleted and replaced with language at 08-01-14 in Exhibit E requiring a CSB entering into a joint agreement pursuant to § 37.2-512 of the Code of Virginia to attach a copy to the contract as Exhibit K.

**FY 2015 and FY 2016 Community Services Performance Contract Revision No. 1**

August 19, 2014

Page 4

38. Former Exhibit K is renamed Exhibit J on pages 59-64 and revised to focus on other CSB accountability requirements. Several of the existing requirements are revised to be more specific (e.g., the Conflict of Interests Act and the Freedom of Information Act).
39. Exhibit J on page 60: Added language identifies a series of CSB and Board of Directors Organization and Operations requirements.
40. Exhibit J on pages 61 and 62: Added language describes requirements related to hiring a new CSB executive director or BHA chief executive officer. Much of the text is moved from section II.A.5.a (Human Resource Management Requirements) in the CSB Administrative Requirements to Exhibit J, and additional requirements about involving Department staff in the process are inserted.

If you have not submitted your initial FY 2015 and FY 2016 Performance Contract signature pages (pages 25 and 44) and Exhibits F and G yet, please submit signed Revision No.1 versions. If you have submitted those pages from the initial performance contract, please submit signed or completed pages 26, 43, and 54 from Revision No. 1 to document your acceptance of the revision. A copy of the contract signature page (page 26 in Revision No. 1) signed by Commissioner Ferguson is attached for your use. Please return the applicable pages of the contract to Joel Rothenberg unfolded and in a large envelope. If you have any questions about this memo or the contract documents, please e-mail or call Joel Rothenberg, the Community Contracting Administrator, at [joel.rothenberg@dbhds.virginia.gov](mailto:joel.rothenberg@dbhds.virginia.gov) or (804) 786-6089 or me at [paul.gilding@dbhds.virginia.gov](mailto:paul.gilding@dbhds.virginia.gov) or (804) 786-4982. Thank you.

Enclosure (1)

pc:	Peggy S. Balak	Kevin A. Howard	Les H. Saltzberg
	Jack W. Barber, M.D.	Dee A. Keenan	Russell S. Sarbora
	Jae H. Benz	Martha Kurgens	Michael A. Schaefer
	Connie L. Cochran	Eric S. Leabough	Michael A. Shank
	Donald D. Darr	Deborah M. Lochart	Hervey E. Sherd
	Charline A. Davidson	Janet S. Lung	Randy B. Sherrod
	Sterling G. Deal, Ph.D.	James M. Martinez, Jr.	Cheri L. Stierer, Ph.D.
	Andrew C. Diefenthaler	Heather A. Norton	Gail M. Taylor
	Kathy B. Drumwright	William O'Bier	Susan L. Tinsley
	Debra L. Ferguson, Ph.D.	Michael R. Olsen	Dawn A. Traver
	Adrienne H. Ferriss	Russell C. Payne	Don C. Tyson
	Chris J. Foca	Tammy E. Peacock, Ph.D.	Robert J. Villa
	A. Wayde Glover	Phil R. Peter, MBA	Florence B. Wells
	Linda B. Grasewicz	Mellie E. Randall	Steven Wolf, Ph.D.
	Marion Y. Greenfield	Gail B. Rheinheimer	Allyson K. Tysinger, J.D.
	Kenneth M. Gunn, Jr.	Cecily J. Rodriguez	Joe Flores
	Neila L. Gunter	Beverly Rollins	Susan E. Massart
	Daniel L. Herr, J.D.	Joel B. Rothenberg	Jennifer M. Faison